

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick S. M. Herz et al.  
Serial No: 09/024,278  
Confirmation No. 8139  
Filed: February 17, 1998  
For: BROADCAST DATA DISTRIBUTION SYSTEM WITH  
ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS  
Examiner: Son P. Huynk  
Art Unit: 2424

**Certificate of Electronic Filing Under 37 CFR 1.8**  
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: 11-16-10

*James D. O'Connell - Ellis*

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, the Applicant requests consideration of this Information Disclosure Statement.

**Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the following applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title of Application</u>
07/497105	3/20/1990	HOME VIDEO CLUB TELEVISION BROADCASTING SYSTEM
08/346425	11/29/1994	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
08/477,798	6/7/1995	SYSTEM AND METHOD FOR PROVIDING DIGITAL COMMUNICATION BETWEEN A HEAD END AND A SET TOP TERMINAL
08/550,886	10/31/1995	PSEUDONYMOUS SERVER FOR SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
08/551,198	10/31/1995	SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
08/551,201	10/31/1995	SYSTEM FOR GENERATION OF OBJECT PROFILES FOR A SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
08/985,731	12/5/1997	SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
08/985,732	12/5/1997	SYSTEM FOR THE AUTOMATIC DETERMINATION OF CUSTOMIZED PRICES AND PROMOTIONS
09/028024	2/23/1998	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
09/120611	7/22/1998	BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS
09/314,321	5/19/1999	LOCATION ENHANCED INFORMATION DELIVERY SYSTEM
09/437102	11/9/1999	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
09/960046	10/16/2000	SYSTEM FOR COLLECTING, ANALYZING, AND TRANSMITTING INFORMATION RELEVANT TO TRANSPORTATION NETWORKS
09/699098	10/27/2000	SECURE DATA INTERCHANGE
09/779155	2/8/2001	SYSTEM FOR COLLECTING AND PROCESSING ACTUARIAL INFORMATION
09/842477	4/25/2001	METHOD OF COMBINING SHARED BUFFERS OF CONTINUOUS DIGITAL MEDIA DATA WITH MEDIA DELIVERY SCHEDULING
10/262123	10/1/2002	SYSTEM FOR AUTOMATIC DETERMINATION OF CUSTOMIZED PRICES AND PROMOTIONS
10/369057	2/17/2003	LOCATION ENHANCED INFORMATION DELIVERY SYSTEM
11/133759	5/20/2005	SYSTEM AND METHOD FOR SCHEDULING BROADCAST OF AND ACCESS TO VIDEO PROGRAMS AND OTHER DATA USING CUSTOMER PROFILES
11/726,693	3/22/2007	METHOD OF COMBINING SHARED BUFFERS OF CONTINUOUS DIGITAL MEDIA DATA WITH MEDIA DELIVERY SCHEDULING
11/133,766	5/20/2005	SYSTEM AND METHOD FOR PROVIDING ACCESS TO DATA USING CUSTOMER PROFILES
12/221,507	8/4/2008	CUSTOMIZED ELECTRONIC NEWSPAPERS AND ADVERTISEMENTS

12/217,321	7/3/2008	LOCATION ENHANCED INFORMATION DELIVERY SYSTEM
12/372,435	2/17/2009	SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS
12/417,747	4/3/2009	SECURE DATA INTERCHANGE

The above-identified applications may include technically-related subject matter, and/or claims that are "similar" (in a lay sense) or overlap in some way to those of this application. The Examiner is requested to review the entire file histories of these applications, including cited references, Office Actions, Responses, etc. The Examiner is asked to contact the undersigned if the Examiner would like the Applicant to supply copies of any or all of the information included in any of these applications. For any of these applications, if the undersigned is not contacted by the Examiner with such a request, then the undersigned will assume that the Examiner has reviewed or will review the file content of the applications. **The identification of the above-identified applications is not a waiver of secrecy for any of the applications.**

#### Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless previously submitted or otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

Some of the items listed on the form PTO-1449 which accompany this statement relate to certain litigation between the assignee, Pinpoint, Inc., and Amazon.com, and may have involved related patents. There were two litigations, the docket sheets for which are provided herewith, fully identifying those cases. Applicant has listed and provided copies of selected papers from those cases, including claim construction arguments and decisions. Applicant has tried to include any possibly material information but the record is voluminous and the undersigned was not involved in the litigation, and some paper might have been overlooked the Examiner would find relevant. So the Examiner is requested to review the docket and obtain or request any paper

the examiner wishes to inspect and which is not furnished herewith. (Some papers are maintained under seal pursuant to a protective order, however, and cannot be made available.)

On the form PTO-1449, certain items are "grayed out" and/or marked with an asterisk to indicate that a copy is not enclosed at this time. Applicants' representatives will submit copies of these items as they become available.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

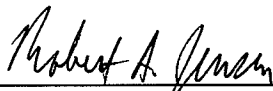
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

The Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825 under Docket No. P0813.70013US01 from which the undersigned is authorized to draw.

Respectfully submitted,

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